

SENATE BILL No. 975

November 5, 2009, Introduced by Senators BASHAM, BIRKHOLZ, BARCIA, OLSHOVE and CLARKE and referred to the Committee on Commerce and Tourism.

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending section 2a (MCL 125.1502a), as added by 1999 PA 245, and by adding section 10a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2a. (1) As used in this act:

2 (a) "Agricultural or agricultural purposes" means of, or
3 pertaining to, or connected with, or engaged in agriculture or
4 tillage which is characterized by the act or business of
5 cultivating or using land and soil for the production of crops for
6 the use of animals or humans, and includes, but is not limited to,
7 purposes related to agriculture, farming, dairying, pasturage,
8 horticulture, floriculture, viticulture, and animal and poultry
9 husbandry.

1 (b) "Application for a building permit" means an application
 2 for a building permit submitted to an enforcing agency pursuant to
 3 this act and plans, specifications, surveys, statements, and other
 4 material submitted to the enforcing agency together or in
 5 connection with the application.

6 (c) "Barrier free design" means design complying with legal
 7 requirements for architectural designs which eliminate the type of
 8 barriers and hindrances that deter persons with disabilities from
 9 having access to and free mobility in and around a building or
 10 structure.

11 (d) "Board of appeals" means the construction board of appeals
 12 of a governmental subdivision provided for in section 14.

13 (e) "Boards" means the state plumbing **BOARD CREATED IN SECTION**
 14 **13 OF THE STATE PLUMBING ACT, 2002 PA 733, MCL 338.3523,** board of
 15 mechanical rules **CREATED IN SECTION 3 OF THE FORBES MECHANICAL**
 16 **CONTRACTORS ACT, 1984 PA 192, MCL 338.973,** and ~~electrical~~
 17 administrative boards **BOARD CREATED IN SECTION 2 OF THE ELECTRICAL**
 18 **ADMINISTRATIVE ACT, 1956 PA 217, MCL 338.882,** and the barrier free
 19 design board created in section 5 of 1966 PA 1, MCL 125.1355.

20 (f) "Building" means a combination of materials, whether
 21 portable or fixed, forming a structure affording a facility or
 22 shelter for use or occupancy by persons, animals, or property.
 23 Building does not include a building, whether temporary or
 24 permanent, incidental to the use for agricultural purposes of the
 25 land on which the building is located if it is not used in the
 26 business of retail trade. Building includes ~~the meaning "or a~~ part
 27 or parts of the building and all equipment in the building ~~" unless~~

1 the context clearly requires a different meaning.

2 (g) "Building envelope" means the elements of a building ~~which~~
3 **THAT** enclose conditioned spaces through which thermal energy may be
4 transferred to or from the exterior.

5 (h) "Business day" means a day of the year, exclusive of a
6 Saturday, Sunday, or legal holiday.

7 (i) "Chief elected official" means the chairperson of the
8 county board of commissioners, the city mayor, the village
9 president, or the township supervisor.

10 (j) "Code" means the state construction code provided for in
11 section 4 or a part of that code of limited application and
12 includes a modification of or amendment to the code.

13 (k) "Commission" means the state construction code commission
14 created by section ~~3~~**3A**.

15 (l) "Construction" means the construction, erection,
16 reconstruction, alteration, conversion, demolition, repair, moving,
17 or equipping of buildings or structures.

18 (m) "Construction regulation" means a law, act, rule,
19 regulation, or code, general or special, or compilation thereof,
20 enacted or adopted before or after January 1, 1973, by this state
21 including a department, board, bureau, commission, or other agency
22 thereof, relating to the design, construction, or use of buildings
23 and structures and the installation of equipment in the building or
24 structure. Construction regulation does not include a zoning
25 ordinance or rule issued pursuant to a zoning ordinance and related
26 to zoning.

27 (n) "Cost-effective", in reference to section 4(3)(f) and (g),

1 means, using the existing energy efficiency standards and
2 requirements as the base of comparison, the economic benefits of
3 the proposed energy efficiency standards and requirements will
4 exceed the economic costs of the requirements of the proposed rules
5 based upon an incremental multiyear analysis. All of the following
6 provisions apply:

7 (i) The analysis shall take into consideration the perspective
8 of a typical first-time home buyer.

9 (ii) The analysis shall consider benefits and costs over a 7-
10 year time period.

11 (iii) The analysis shall not assume fuel price increases in
12 excess of the assumed general rate of inflation.

13 (iv) The analysis shall assure that the buyer of a home who
14 qualifies to purchase the home before the addition of the energy
15 efficient standards would still qualify to purchase the same home
16 after the additional cost of the energy-saving construction
17 features.

18 (v) The analysis shall assure that the costs of principal,
19 interest, taxes, insurance, and utilities will not be greater after
20 the inclusion of the proposed cost of the additional energy-saving
21 construction features required by the proposed energy efficiency
22 rules as opposed to the provisions of the existing energy
23 efficiency rules.

24 (o) "Department" means the department of ~~consumer and industry~~
25 ~~services~~ **ENERGY, LABOR, AND ECONOMIC GROWTH.**

26 (p) "Director" means the director of the department or an
27 authorized representative of the director.

1 (q) "Energy conservation" means the efficient use of energy by
2 providing building envelopes with high thermal resistance and low
3 air leakage, and the selection of energy efficient mechanical,
4 electrical service, and illumination systems, equipment, devices,
5 or apparatus.

6 (r) "Enforcing agency" means the enforcing agency, in
7 accordance with section 8a or 8b, which is responsible for
8 administration and enforcement of the code within a governmental
9 subdivision, except for the purposes of section 19 enforcing agency
10 means the agency in a governmental unit principally responsible for
11 the administration and enforcement of applicable construction
12 regulations.

13 (s) "Equipment" means plumbing, heating, electrical,
14 ventilating, air conditioning, and refrigerating equipment.

15 (t) "Governmental subdivision" means a county, city, village,
16 or township which in accordance with section ~~8-8A~~ has assumed
17 responsibility for administration and enforcement of this act and
18 the code within its jurisdiction.

19 (u) "Mobile home" means a vehicular, portable structure built
20 on a chassis pursuant to the national manufactured housing
21 construction and safety standards act of 1974, title VI of the
22 housing and community development act of 1974, Public Law 93-383,
23 42 U.S.C. ~~USC~~ 5401 to 5426, and designed to be used without a
24 permanent foundation as a dwelling when connected to required
25 utilities and ~~which~~ **THAT** is, or is intended to be, attached to the
26 ground, to another structure, or to a utility system on the same
27 premises for more than 30 consecutive days.

1 (v) "Other laws and ordinances" means other laws and
2 ordinances whether enacted by this state or by a county, city,
3 village, or township and the rules issued under those laws and
4 ordinances.

5 (w) "Owner" means the owner of the freehold of the premises or
6 lesser estate in the premises, a mortgagee or vendee in possession,
7 an assignee of rents, receiver, executor, trustee, lessee, or any
8 other person, sole proprietorship, partnership, association, or
9 corporation directly or indirectly in control of a building,
10 structure, or real property or his or her duly authorized agent.

11 (x) "Person with disabilities" means an individual whose
12 physical characteristics have a particular relationship to that
13 individual's ability to be self-reliant in the individual's
14 movement throughout and use of the building environment.

15 (y) "Premanufactured unit" means an assembly of materials or
16 products intended to comprise all or part of a building or
17 structure, and ~~which~~**THAT** is assembled at other than the final
18 location of the unit of the building or structures by a repetitive
19 process under circumstances intended to insure uniformity of
20 quality and material content. Premanufactured unit includes a
21 mobile home.

22 **(Z) "REGISTERED DESIGN PROFESSIONAL" MEANS AN INDIVIDUAL**
23 **LICENSED UNDER ARTICLE 20 OR 28 OF THE OCCUPATIONAL CODE, 1980 PA**
24 **299, MCL 339.2001 TO 339.2014 AND 339.2801 TO 339.2819.**

25 **(AA)** ~~(z)~~"Structure" means that which is built or constructed,
26 an edifice or building of any kind, or a piece of work artificially
27 built up or composed of parts joined together in some definite

1 manner. Structure does not include a structure incident to the use
2 for agricultural purposes of the land on which the structure is
3 located and does not include works of heavy civil construction
4 including, but not limited to, a highway, bridge, dam, reservoir,
5 lock, mine, harbor, dockside port facility, an airport landing
6 facility and facilities for the generation or transmission, or
7 distribution of electricity. Structure includes ~~the meaning "or A~~
8 part or parts of the structure and all equipment in the structure "
9 unless the context clearly requires a different meaning.

10 (2) Unless the context clearly indicates otherwise, a
11 reference to this act, or to this act and the code, means this act
12 and rules promulgated pursuant to this act including the code.

13 **SEC. 10A. (1) WHEN REQUIRED BY CODES ADOPTED UNDER THIS ACT,**
14 **THE CONSTRUCTION DOCUMENTS FOR NEW CONSTRUCTION, ALTERATION,**
15 **REPAIR, EXPANSION, ADDITION, OR MODIFICATION FOR BUILDINGS OR**
16 **STRUCTURES SHALL BE PREPARED BY OR UNDER THE SUPERVISION OF A**
17 **REGISTERED DESIGN PROFESSIONAL LICENSED UNDER ARTICLE 20 OF THE**
18 **OCCUPATIONAL CODE, 1980 PA 299, MCL 339.2001 TO 339.2014. THE**
19 **CONSTRUCTION DOCUMENTS SHALL INCLUDE THE NAME AND ADDRESS OF THE**
20 **ARCHITECT OR PROFESSIONAL ENGINEER AND SHALL BEAR THAT PERSON'S**
21 **ORIGINAL SIGNATURE, SEAL, OR STAMP AND THE DATE.**

22 (2) INTERIOR DESIGN DOCUMENTS MAY BE PREPARED BY AN INTERIOR
23 DESIGNER. WHEN AN INTERIOR DESIGNER SIGNS DOCUMENTS, THOSE
24 DOCUMENTS SHALL BEAR THAT PERSON'S SEAL. THIS SUBSECTION AUTHORIZES
25 THE ISSUANCE OF A PERMIT TO A QUALIFIED INTERIOR DESIGNER FOR ONLY
26 THOSE ACTIVITIES AS DESCRIBED IN THE INTERIOR DESIGN DOCUMENTS.

27 (3) AS USED IN THIS SECTION:

1 (A) "INTERIOR DESIGNER" MEANS THAT TERM AS DEFINED IN SECTION
2 2801 OF THE OCCUPATIONAL CODE, 1980 PA 299, MCL 339.2801.

3 (B) "INTERIOR DESIGN DOCUMENTS" MEANS DOCUMENTS REFLECTING
4 INTERIOR DESIGN SERVICES.

5 (C) "INTERIOR DESIGN SERVICES" MEANS THAT TERM AS DEFINED IN
6 SECTION 2801 OF THE OCCUPATIONAL CODE, 1980 PA 299, MCL 339.2801.

7 Enacting section 1. This amendatory act does not take effect
8 unless Senate Bill No. 974

9 of the 95th Legislature is enacted into law.